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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,923	07/09/2001	Paul Elliott	PE-1	8404

7590 06/01/2005

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EXAMINER

BRITTAIN, JAMES R

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/900,923

**Applicant(s)**

ELLIOTT, PAUL

**Examiner**

James R. Brittain

**Art Unit**

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 10, 2004 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeltner (US 4912800) in view of McGhee (US 6363244) and Oster (WO 97/38847).

Zeltner (figure 1) teaches towel attachment structure comprising a flat, rectangular shaped towel 12 made of a single sheet of material and including an eyelet 18 extending therethrough adjacent a corner of said towel, a clasp 22 for releasably securing the device to a golf bag, the clasp appearing from the figure 1 to comprise a common spring wire openable loop so that the towel is releasably secured to the golf bag. The difference is that clasp 22 is not a carabiner and it isn't stated as for use to secure the device to clothing of the user and it lacks a second material member secured to the first material member along an edge. However, McGhee (figure 1) teaches the use of a C-shaped carabiner with a pivoted latch as being well known for

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securing a depending object from the belt loop of a user by securing the carabiner through the eyelet in the tether so as to be more easily secured and more dependable to a belt loop than a clip (col. 1, lines 57-63). The problems faced in making the phone both more easily and dependably secured and detached from a belt loop are analogous to making a towel both more easily and dependably secured and detached from a belt loop. Further, the clasp of Zeltner is inherently capable of being secured to the clothing of a user if so desired. Also, Oster (figure 2), who recognizes Zeltner as being related art (page 3, lines 10-15) improves thereover by utilizing a second generally triangular piece of material 18 in a lower corner of the golf towel where the two edges coinciding with the periphery of the towel are sewn to the towel so as to create a pocket or flap that permits cleaning of an item inserted therein.

It would have been obvious to modify the device of Zeltner so that the device is a carabiner with a pivoted latch in view of McGhee (figure 1) teaching the use of a C-shaped carabiner with a pivoted latch as being well known for securing a depending object from the belt loop of a user by securing the carabiner through the eyelet in the tether so as to be more easily secured and more dependable to a belt loop than a clip (col. 1, lines 57-63) and to have a flap defining a club cloth in view of Oster (figure 2) who recognizes Zeltner as being related art (page 3, lines 10-15) and improves thereover by utilizing a second generally triangular piece of material 18 in a lower corner of the golf towel where the two edges coinciding with the periphery of the towel are sewn to the towel so as to create a pocket that permits cleaning of an item inserted therein. While Oster suggest the use of triangular flap, the particular choice of a rectangular flap would have been obvious as an alternative common shape useful for aesthetics

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and there is no evidence to suggest that such a shape would perform differently from that of Oster.

As Oster provides the teaching of a second piece of material secured to the first piece of material, the placement of a seam at a midline as indicated in claim 15, opposite the eyelet as in claim 16, is considered a “club cloth” as in claim 17, is of similar shape to the first member and a smaller size as in claim 18, is connected along a second edge as in claim 19 and is considered a flap as in claim 20 are all obvious over Oster. The second material of Oster is considered to be a flap or club cloth and the placement of the seams is obvious over that of Oster since Oster seams the second material to the first and provides the teaching that it is known in the art to seam the two materials together so as to provide a usable device. Additionally, applicant utilizes the open ended language “comprising” (claim 13, line 1) thereby permitting other structure such as that of Oster.

### ***Response to Arguments***

Applicant’s arguments filed February 10, 2005 have been fully considered and are unpersuasive. The device of Oster while showing a pocket still defines a “flap” and applicant has used open ended language in the use of “comprising” therefore permitting the use of other seams.

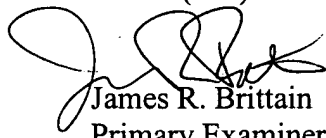
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
May 31, 2005